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House Bill _____
By _____

Senate Bill No.SB0128
By Wright

AN ACT to amend Tennessee Code Annotated, Section 4-1-404,
relative to the official and legal language of Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-1-404, is amended by deleting the
section in its entirety and substituting instead the following:

(a) The Legislature hereby finds and declares that:

By sharing a common language America's immigrants built a new nation
and contributed their diverse cultures; and

This state has been enriched by its diversity, and the government should
always take steps to promote the dignity of all the heritages that form our society;
and

Many languages are represented in this state, and language has the
power to unite the people of differing backgrounds and heritages; and

English is the nation's single, shared language -- the one (1) language
that crosses all ethnic, racial, cultural, nationality, and religious lines and allows
diverse Americans to share their various backgrounds; and

Full political, economic, and social empowerment depends to a large extent upon proficiency in the common language - and lack of proficiency in the common language condemns people to a permanent second-class status behind a language barrier; and

Knowledge of a common language is essential to the democratic processes of government and the full exercise of constitutional freedoms, informed and knowledgeable empowerment as voters, citizen checks against government abuses, and individual prosperity and independence; and

The use of a common language as the language of public record in no way infringes upon the rights of citizens to exercise the use of a primary language of their choice for private conduct; and

The absence of a recognized common language among diverse people results in segregation along language lines and places at great disadvantage individuals who are of limited proficiency in English; and

It is a purpose of this act to recognize the government's affirmative responsibility to encourage and ensure greater opportunities for individuals to learn the common language, as recognized by this act; and

It is a purpose of this act to establish a uniform policy for a means of access to public documents and communications in the state and thereby ensure fair, consistent, and equal practices throughout this state when it comes to providing services;

(b) The common language is recognized to be English; and the common language is designated as the language of official public documents and records and official public meetings.

(c) Official documents and records are all documents officially compiled, published, or recorded by the state including deeds, publicly probated wills, records of births, deaths and marriages, and all other documents and records

defined by the Public Records Law in Tennessee Code Annotated, Title 10, Chapter 7; and official public meetings are those meetings and proceedings as defined by the Public Meetings Law in Tennessee Code Annotated, Title 8, Chapter 44.

(d) The provisions of this act shall not apply:

- (1) To instruction in foreign language courses;
- (2) To instruction designed to aid students with limited English proficiency in a timely transition and integration into the general education system;
- (3) To the promotion of international commerce, tourism, and sporting events;
- (4) When deemed to interfere with needs of the justice system;
- (5) When the public safety, health, or emergency services require the use of other languages; provided, however, any such authorization for the use of languages other than the common language in printing informational materials or publications for general distribution must be approved in an open public meeting as defined by the Public Meetings Law in Tennessee Code Annotated, Title 8, Chapter 44, by the governing board or authority of the relevant state or local governing entity, and the decision must be recorded in publicly available minutes as defined by the Public Records Law in Tennessee Code Annotated, Title 10, Chapter 7;
- (6) When expert testimony, witnesses or speakers may require a language other than the common language, provided, however, that for purposes of deliberation, decision-making, or record-keeping, the official version of such testimony or commentary shall be the officially translated English language version.

(e) Pursuant to the exemptions outlined above in (4)(a) through (4)(f), all costs related to the preparation, translation, printing and recording of documents, records, brochures, pamphlets, flyers, or other information materials in languages other than the common language must be delineated as a separate budget line item in the agency, departmental, or office budget.

(f) No person shall be denied employment with the state or any constituent entities or municipalities based solely upon that person's lack of facility in a foreign language, except where related to bona fide job needs reflected in the exemptions in (a) through (f) above.

(g) This act shall not be construed in any way to infringe upon the rights of citizens under the Constitution of Tennessee or the Constitution of the United States in the use of language in private activity. No agency or officer of the state, nor any constituent entities or municipalities, may place any restrictions or requirements regarding language usage in businesses operating in the private sector other than official documents, forms, submissions, or other communications directed to government agencies and officers, which communications shall be in the common language as recognized in this act.

(h) Any citizen of the state shall have standing to bring an action against the state to enforce this act. The state courts shall have jurisdiction to hear and decide any such action brought under this act.

SECTION 2. This act shall take effect on July 1, 1995, the public welfare requiring it.